

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION


JOHN DOE,)	
)	
Plaintiff,)	
)	
v.)	No. 1:20-cv-00123-JRS-MG
)	
TRUSTEES OF INDIANA UNIVERSITY,)	
LAUREN ROBEL,)	
KATHY ADAMS-REISTER,)	
LIBBY SPOTTS,)	
ROBERT BILLINGHAM,)	
MICHAEL COURTNEY,)	
GRANT VOGTMAN,)	
)	
Defendants.)	

Notice of Intent to Convert Motion to Dismiss Under Rule 12(d)

The Court has considered the briefs filed in connection with Defendants' motion to dismiss. (*See* ECF No. 60.) The Court believes that it should consider the Declaration of Libby Spotts, (ECF No. 66-3 at 4–9), which was attached to Plaintiff's brief in opposition. Because the declaration is extrinsic evidence, the Court must convert the motion to dismiss into a motion for summary judgment in order to consider it, according to Federal Rule of Civil Procedure 12(d). Accordingly, the parties are **ordered** to either (1) produce any admissible evidence related to the declaration or (2) notify the Court that they will not offer further evidence. Either way, Plaintiff and Defendants should do so as soon as practicable, and in any event **no later than April 20, 2021**. After receiving responses from both parties, the Court intends to convert Defendants' motion to dismiss into one for summary judgment.

SO ORDERED.

Date: 4/7/2021



JAMES R. SWEENEY II, JUDGE
United States District Court
Southern District of Indiana

Distribution to registered parties via CM/ECF.